

**STATE OF NEW YORK
COUNTY OF ALBANY**

APRIL 14, 2021

REGULAR MEETING

Supervisor Lyons led the Pledge of Allegiance and called the regular meeting to order at 7:05PM with the following members present: Councilmembers Palow, Conklin, Vane & Willsey. Town Clerk Clayton, Attorney Afzali and Highway Superintendent Bashwinger were also present. The minutes of 03/10/21 were presented and on motion of Councilmember Vane and seconded by Supervisor Lyons, the minutes were accepted with the following members voting aye; Supervisor Lyons; Councilmembers Palow, Conklin & Vane. Councilmember Willsey abstained.

CORRESPONDENCE

- Letter from Helderberg Kiwanis regarding Memorial Day Parade

PUBLIC COMMENT

Eleanor & Paul Giebitz were present to discuss the current zoning of Helderberg Bluestone and asked why it was not zoned commercial as they were in business before zoning was put into effect. Requested that consideration be made to change it from MDR to NC.

Barbara Kennedy asked if Mr. Harris had to step down as Councilmember how he has time to be Deputy Town Clerk.

Tim Lippert asked why Jean Guarino was dismissed and asked the board to investigate Town Clerk Clayton on Human Resource practices.

OLD BUSINESS

APPROVING THE HIRING OF PART TIME ADMINISTRATIVE ASSISTANT FOR ZONING AND PLANNING BOARDS

After discussion and recommendation from Planning Board Chair, Joe Martin, Councilmember Willsey made a motion seconded by Councilmember Palow to approve Cheryl Rudolph as a part-time permanent Administrative Assistant I @ \$17.54 per hour for 25 hours per week, 6-month probation, FSLA non-exempt employee, unclassified, civil service exempt, effective 4/15/21. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

APPROVING APPOINTMENT TO RECREATION & PARKS BOARD

Councilmember Willsey made a motion, seconded by Councilmember Palow to appoint Robin Gifford to the Recreation & Parks Board. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

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APPROVING TERM OF ROBIN GIFFORD TO RECREATION & PARKS BOARD

Supervisor Lyons made a motion, seconded by Councilmember Vane to appoint Robin Gifford to a 3-year term on the Recreation & Parks Board. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

APPROVING APPOINTMENT TO RECREATION & PARKS BOARD

Councilmember Conklin made a motion, seconded by Councilmember Willsey to appoint Emily Vincent to the Recreation & Parks Board. Motion carried with the following members voting aye: Councilmembers Conklin, Vane & Willsey. Supervisor Lyons and Councilmember Palow voting nay.

APPROVING TERM OF EMILY VINCENT TO RECREATION & PARKS BOARD

Supervisor Lyons made a motion, seconded by Councilmember Conklin to appoint Emily Vincent to a 3-year term on the Recreation & Parks Board. Motion carried with the following members voting aye: Councilmembers Conklin, Vane & Willsey. Supervisor Lyons and Councilmember Palow voting nay.

APPROVING APPOINTMENT OF CHAIR RECREATION & PARKS BOARD

Supervisor Lyons made a motion, seconded by Councilmember Conklin to appoint John Zelenak as Chair of the Recreation & Parks Board. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

APPROVING APPOINTMENT TO CONSERVATION BOARD

Councilmember Willsey made a motion, seconded by Supervisor Lyons to appoint Cynthia Johnson to the Conservation Board. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

APPROVING TERM OF CYNTHIA JOHNSON TO CONSERVATION BOARD

Supervisor Lyons made a motion, seconded by Councilmember Vane to appoint Cynthia Johnson to a one-year term on the Conservation Board. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

APPROVING APPOINTMENT TO CONSERVATION BOARD

Councilmember Conklin made a motion, seconded by Supervisor Lyons to appoint Emily Vincent to the Conservation Board. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

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APPROVING TERM OF EMILY VINCENT TO CONSERVATION BOARD

Supervisor Lyons made a motion, seconded by Councilmember Vane to appoint Emily Vincent to a one-year term on the Conservation Board. Motion carried with the following members voting aye: Councilmembers Palow, Conklin, Vane & Willsey. Supervisor Lyons – nay.

APPROVING THE HIRING OF PART TIME BUILDING INSPECTOR

Councilmember Vane made a motion seconded by Supervisor Lyons to increase the biweekly hours from 46 to 48 hours. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

Councilmember Vane made a motion seconded by Supervisor Lyons approving the hiring of Keven Flensted and Carl Trichilo to the Building Inspector position. Motion carried with the following members voting aye: Councilmembers Palow, Vane & Willsey. Supervisor Lyons and Councilmember Conklin voting nay.

After discussion, Supervisor Lyons made a motion seconded by Councilmember Palow to increase the budget line for Building Inspector from 48 hours to 61 hours bi-weekly by moving 10 hours from Code Enforcement line (to cover the \$250 increase in hours). Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

Councilmember Vane amended his previous motion seconded by Councilmember Conklin also approving the hiring of Jonathan Heigel as a part-time permanent Building Inspector. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

Supervisor Lyons made a motion seconded by Councilmember Willsey approving the hiring of Carl Trichilo as a part-time permanent Building Inspector @ \$19 per hour for 12 hours per week, 6-month probation, FLSA non-exempt employee, unclassified, civil service exempt, effective 4/15/21. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

Supervisor Lyons made a motion seconded by Councilmember Conklin approving the hiring of Carl Trichilo as a part-time permanent Building Inspector @ \$19 per hour for 12 hours per week, 6-month probation, FLSA non-exempt employee, unclassified, civil service exempt, effective 4/15/21. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Palow, Conklin, Vane & Willsey.

SWITZKILL FARM CARETAKER AGREEMENT

After discussion, Councilmember Palow made a motion seconded by Councilmember Vane to terminate the caretaker agreement between Nelson Kent and the Town of Berne with 45 days'

notice. The following roll call vote was taken: Councilmembers Palow and Vane – aye; Councilmember Willsey – nay; Councilmember Conklin – abstain; Supervisor Lyons table the vote to allow more time to investigate the matter.

PROPOSED SOLAR LAW

After discussion, Councilmember Willsey made a motion, seconded by Supervisor Lyons to not progress any further with the Solar Law as more time is needed to review. The following roll call vote was made: Supervisor Lyons & Councilmember Willsey – aye; Councilmembers Conklin & Vane – nay. Councilmember Palow was no longer in attendance. Matter was tabled.

PROPOSED HOME OCCUPATION LAW

Supervisor Lyons stated that this law will also be given more time to be reviewed.

NEW BUSINESS

PROPOSED PROPERTY LINE ADJUSTMENT LOCAL LAW

This matter will be reviewed at the 5/12/21 Town Board meeting.

AUTHORIZING TOWN CLERK TO PUBLISH ROAD CLOSURE FOR HELDERBERG KIWANIS PARADE AND NOTIFY SHERIFF'S

After discussion, Supervisor Lyons made a motion seconded by Councilmember Vane authorizing the Town Clerk to publish the road closure for Helderberg Kiwanis Parade and send letter to Albany County Sheriff when plans are finalized. Motion carried with the following members voting aye: Supervisor Lyons, Councilmembers Conklin, Vane & Willsey.

ACCEPTING AUDIT REPORT OF JUSTICES RECORDS

After discussion, Supervisor Lyons made a motion seconded by Councilmember Conklin to accept the Audit Report for the Town Justice records. Motion carried with the following roll call vote: Supervisor Lyons and Councilmembers Conklin, Vane & Willsey voting aye.

AWARDING OF BIDS WASHED CRUSHED STONE, SANDING MATERIALS, ASPHALT CONCRETE

The Town Board reviewed the bids received on 03/29/21 from the following:

For washed crushed stone from:
Cobleskill Stone Product, Inc., Callanan Industries, Inc., Carver Sand & Gravel, Inc.

For sanding materials from:
Cobleskill Stone Product, Inc., Callanan Industries, Inc., Carver Sand & Gravel, Inc.

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For asphalt concrete and winter mix from:

Cobleskill Stone Product, Inc., Callanan Industries, Inc., Dolomite Products Company, Inc.

The Board noted that in awarding the aforesaid bids, the location of the work which the Town is undertaking along with the products and the proximity of the plants to said work location and the costs of the Town transporting the necessary product to the work location were considered.

After reviewing the above said bids, Supervisor Lyons made a motion which was seconded by Councilmember Vane to award the following for the year 2021 as follows:

To: **Carver Sand & Gravel/LLC**

Pick up/delivery

Stone - # 1A; Crusher Run;

ITEM 4; Stone Fill Light – delivered only; Stone Fill Medium; Gabion Stone – delivered only; Stone Blend; Sanding Material, Sanding Material Washed.

Motion carried with the following roll call vote: Supervisor Lyons, Councilmembers Conklin & Vane – aye. Councilmember Willsey – nay.

Supervisor Lyons made a motion which was seconded by Councilmember Conklin to award the following for the year 2021 as follows:

To: **Cobleskill Stone Products**

#1A; #1; #1A/1ST 50/50 Blend; #2 delivered only; Crusher Run HPR; Screenings (stone dust) #5 Railroad Ballast – delivered only; Asphalt Concrete HPR – Base Course 1; Binder Course 3, Top Course 6; Top Course Marshall 6F; Top Course 7; Top Course Marshall 7F

Motion carried with the following roll call vote: Supervisor Lyons, Councilmembers Conklin & Vane – aye. Councilmember Willsey – nay.

Supervisor Lyons made a motion which was seconded by Councilmember Conklin to award the following for the year 2021 as follows:

To: **Callanan – Bethlehem** – pick up

#2; #3; #5 Railroad Ballast; Stone Fill Light; Gabion Stone

Motion carried with the following roll call vote: Supervisor Lyons, Councilmembers Conklin & Vane – aye. Councilmember Willsey – nay.

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Supervisor Lyons made a motion which was seconded by Councilmember Vane to award the following for the year 2021 as follows:

To: **Callanan – Albany**
Base Course 1; Binder Course 3; Top Course 6; Top Course Marshall 6F; Top Course 7; Top Course Marshall 7F; Winter Mix (cold patch)

Motion carried with the following roll call vote: Supervisor Lyons, Councilmembers Conklin & Vane – aye. Councilmember Willsey – nay.

CREDIT CARD USE POLICY – this matter was tabled for further review.

ACCEPTING NAME OF BERNE BULLETIN FOR TOWN NEWSLETTER

Supervisor Lyons made a motion which was seconded by Councilmember Conklin to accept the name of “Berne Bulletin” for the town newsletter. Motion carried with the following roll call vote: Supervisor Lyons, Councilmembers Conklin, Vane & Willsey – aye.

PLANS FOR SWITZKILL FARM – tabled

ACCEPTING SUPERVISOR’S MONTHLY REPORTS FOR MARCH

After discussion, Supervisor Lyons made a motion seconded by Councilmember Vane to accept the Supervisor’s March monthly reports. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Conklin & Vane voting aye. Councilmember Willsey abstained.

ACCEPTING TOWN CLERK’S MONTHLY REPORT FOR MARCH

After discussion, Supervisor Lyons made a motion seconded by Councilmember Vane to accept the Town Clerk’s March monthly report. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Conklin, Vane & Willsey voting aye.

ACCEPTING BUILDING & ZONING MONTHLY REPORT FOR MARCH

After discussion, Supervisor Lyons made a motion seconded by Councilmember Vane to accept the Building & Zoning’s March monthly report. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Conklin, Vane & Willsey voting aye.

AUTHORIZING BUDGET TRANSFERS FOR MARCH

After discussion, Supervisor Lyons made a motion seconded by Councilmember Conklin that the budget transfers for March be authorized. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Conklin & Vane voting aye. Councilmember Willsey abstained.

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APPROVING ABSTRACTS

After discussion, Supervisor Lyons made a motion seconded by Councilmember Conklin to approve the following abstracts:

| | |
|--|---------------------|
| GENERAL FUND, HIGHWAY FUND, SEWER, UTILITIES, WITHOLDINGS FOR 2021..... | \$58,203.43 |
| Abstract #19 of 2021..... | \$ 1,585.00 |
| Abstract #20 of 2021..... | \$ 524.18 |
| Abstract #21 of 2021..... | \$ 14,308.38 |
| Abstract #22 of 2021..... | \$ 8,382.88 |
| Abstract #23 of 2021..... | \$ 2,798.35 |
| Abstract #24 of 2021..... | \$ 844.75 |
| Abstract #25 of 2021..... | \$ 457.54 |
| Abstract #26 of 2021..... | \$ 16,683.27 |
| Abstract #27 of 2021..... | \$ 12,380.00 |
| Abstract #28 of 2021..... | \$ 239.08 |

Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Conklin & Vane voting aye. Councilmember Willsey abstained.

APPROVING MONTHLY PAYMENT OF BILLS

After discussion, Supervisor Lyons made a motion seconded by Councilmember Conklin to approve the payment of the monthly bills. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Conklin & Vane voting aye. Councilmember Willsey abstained.

DEPARTMENT REPORTS

HIGHWAY – Highway Superintendent Bashwinger gave report on salt usage; 200 ton left; cleaned up old tires; recapped tires; cleaning up Transfer Station; all extinguishers up to date.

PLANNING BOARD – Chairman Joe Martin reported that two applications were sent to the ZBA.

LIBRARY – Kathy Stempel presented the 2020 Annual Public report. Job well done!

COMMITTEE REPORTS

Celebration Committee - Councilmember Conklin stated that the Earth Day road cleanup went very well and are hoping to host it again. Planning an event at Switzkill Farm for June.

Beautification Committee- Councilmember Conklin discussed planting flowers at the Town Park and permit to put flower boxes on bridge is approved and requested money to buy soil, plants etc. and will be under the \$500 procurement.

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Hometown Veteran Banners – just a reminder that the banners are \$125 and must be registered by 5/15/21.

Transfer Station – Code Enforcement Officer, Chance Townsend, pointed out safety issues at Transfer Station that have been in existence since it was built, discussing that safety measures were removed to save money. Councilmember Willsey was involved in the design and discussion was had as to what transpired.

MOTION TO ADJOURN

There being no further business or discussion, Supervisor Lyons made the motion seconded by Councilmember Conklin to adjourn the meeting. Motion carried with the following roll call vote: Supervisor Lyons, and Councilmembers Conklin, & Vane voting aye. Meeting adjourned at 9:13PM.

Respectfully submitted,

Anita C. Clayton, Town Clerk

| Town of Berne | | | |
|-------------------------|----------------------------|-----------|-----------|
| Budget Transfers | | | |
| 3/31/2021 | | To | From |
| Sewer Fund | | | |
| SS -18-8110-0000-44071 | PROPERTY REPAIR AND RENTAL | | \$ 150.00 |
| SS -18-8110-0000-44999 | MISC CONTRACTUAL EXPENSES | \$ 150.00 | |
| | | | |

| Town of Berne | | | |
|-------------------------|-------------------------------|-------------|-------------|
| Budget Transfers | | | |
| 3/31/2021 | | | |
| Highway Fund | | | |
| | | To | From |
| DA -11-5130-0000-44070 | EQUIPMENT REPAIRS/MAINTENANCE | | \$ 251.00 |
| DA -11-5130-0000-44072 | VEHICLE MAINTENANCE | \$ 251.00 | |
| DA -15-5142-0000-19970 | TEMPORARY HELP | | \$ 949.00 |
| DA -15-5142-0000-19990 | OVERTIME | \$ 949.00 | |
| | | \$ 1,200.00 | \$ 1,200.00 |

| Town of Berne | | | |
|-------------------------|------------------------------|-------------|-------------|
| Budget Transfers | | | |
| 3/31/2021 | | | |
| General Fund | | | |
| | | TO | From |
| A -11-1110-0000-44047 | CONSULTANT FEES | | \$ 52.00 |
| A -11-1110-0000-44300 | DUES/MEMBERSHIP/SUBSCRIPTION | \$ 52.00 | |
| A -11-1620-0000-44028 | SAFETY SUPPLIES | \$ 1,309.00 | |
| A -11-1620-0000-44036 | TELEPHONE | \$ 1,270.00 | |
| A -11-1620-0000-44041 | COMPUTER FEES | \$ 208.00 | |
| A -11-1990-0000-44999 | MISC CONTRACTUAL EXPENSES | | \$ 2,787.00 |
| A -15-5132-0000-44022 | MAINTENANCE SUPPLIES | | \$ 1.00 |
| A -15-5132-0000-44028 | SAFETY SUPPLIES | \$ 1.00 | |
| | | \$ 2,840.00 | \$ 2,840.00 |